United Nations S/2012/844

Security Council

Distr.: General
16 November 2012

Original: English

United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and its presidential statements on the situation in Sudan and South Sudan, and in particular, resolutions 1990 (2011), 2024 (2011), 2032 (2011), 2046 (2012), 2047 (2012), as well as presidential statement S/PRST/2012/19, and the Council's press statements of 18 June 2012, 21 September 2012, and 28 September 2012,

Reaffirming its strong commitment to the sovereignty, independence, unity, and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the United Nations Charter, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Reiterating that the territorial boundaries of states shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means,

Affirming the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement,

Reaffirming its previous resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2005), 1882 (2009), 1998 (2011) on children and armed conflict, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009) and 1960 (2010) on women peace and security,

Recalling the commitments made by the Government of Sudan and the Government of South Sudan in the 20 June 2011 Agreement between the Government of Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, the 29 June 2011 Agreement between the Government of the Sudan and the Government of Southern Sudan on Border Security and the Joint Political and Security Mechanism, and the 30 July 2011 Agreement on the Border Monitoring Support Mission between the Government of Sudan and the Government of South Sudan, as well as the 27 September Agreements on Cooperation and Security Arrangements reached by the Government of Sudan and the Government of South Sudan in Addis Ababa under the auspices of the AU High-Level Implementation Panel (AUHIP),

Expressing its full support for the efforts of the African Union on the situation between the Republic of Sudan and the Republic of South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession

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relations and the normalization of their relations, *recalling* in this regard the AU Peace and Security Council Communiqués of 24 April and 24 October 2012, *expressing* its determination that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party, and *calling upon* all parties to engage constructively in the process mediated by the AU High-level Implementation Panel (AUHIP) toward final agreement of Abyei status,

Welcoming the commitments and efforts by the Government of Sudan and the Government of South Sudan to implement a Joint Border Verification and Monitoring Mechanism (JBVMM), in accordance with Council resolution 2046 and the AU Peace and Security Council Roadmap of 24 April 2012, but *expressing concern* that the parties have not yet reached agreement on modalities for its implementation,

Stressing that both countries will have much to gain if they show restraint and choose the path of dialogue instead of resorting to violence or provocations,

Commending the continued assistance provided to the parties by the AU High-level Implementation Panel, including its Chairman President Thabo Mbeki, former Presidents Abdulsalami Abubakar and Pierre Buyoya, the Chairperson of the Intergovernmental Authority on Development, Ethiopian Prime Minister Hailemariam Desalegn, the Special Envoy of the Secretary-General for Sudan and South Sudan, Haile Menkerios, and the United Nations Interim Security Force for Abyei (UNISFA) under the leadership of Lieutenant General Tadesse Werede Tesfay,

Commending the efforts of UNISFA in carrying out its mandate, including by its ongoing facilitation of peaceful migration throughout the Abyei Area and *expressing* its deep appreciation for the work of the troop-contributing countries,

Encouraged by the improvements in security and stability in Abyei Area since the deployment of UNISFA, and *determined* to prevent the recurrence of violence against or displacements of civilians and to avert inter-communal conflict,

Deeply concerned by delays in the establishment of the Abyei Area Administration, Council and Police,

Noting the lack of progress in establishing the Abyei Police Service, including a special unit to deal with particular issues related to nomadic migration,

Honouring the memory and the distinguished contributions to regional peace and security, and in particular, to peace between Sudan and South Sudan and to the peaceful settlement of the Abyei question, of the former Ethiopian Prime Minister and IGAD Chairperson Meles Zenawi,

Bearing in mind the importance of coherence of United Nations assistance in the region,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all of its peacekeeping operations,

Stressing the need for effective human rights monitoring, and reiterating its concern at the lack of cooperation by the parties with the Secretary-General to this end,

Stressing the urgency of facilitating the delivery of humanitarian assistance to all affected communities in the Abyei area,

Affirming the importance of voluntary, safe, orderly return and sustainable reintegration of displaced persons, and of safe and cooperative migration seasons, and *urging* UNISFA to take measures as necessary to ensure security in the Abyei Area in accordance with its mandate,

Concerned with the residual threat of landmines and explosive remnants of war in the Abyei Area, which hinders the safe return of displaced persons to their homes and safe migration,

Recognizing that the current situation in Abyei and along the border between Sudan and South Sudan constitutes a serious threat to international peace and security,

Welcoming the steps taken by UNISFA towards the effective implementation of its mandate, including, inter alia, through conflict prevention, mediation and deterrence,

1. *Decides* to extend until 31 May 2013 the mandate of the United Nations Interim Security Force for Abyei (UNISFA) as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011), and acting under Chapter VII of the Charter of the United Nations, the tasks set out in paragraph 3 of resolution 1990, and *determines* that for the purposes of paragraph 1 of resolution 2024 (2011), the Safe Demilitarized Border Zone (SDBZ) shall be defined as provided by the 27 September 2012 Agreement on Security Arrangements between the Republic of the Sudan and the Republic of South Sudan;

2. *Welcomes* the redeployment of Sudanese military and South Sudanese military and police personnel from the Abyei Area in compliance with resolution 2046, and demands that the Government of Sudan redeploy the oil police in Diffra from the Abyei Area immediately and without preconditions, and reiterates, in accordance with relevant resolutions, in particular resolution 1990 and resolution 2046, that the Abyei Area shall be demilitarized from any forces other than UNISFA and the Abyei Police Service;

3. *Demands* that Sudan and South Sudan urgently finalize the establishment of the Abyei Area Administration and Council, including by resolving the deadlock over the Chairmanship of the Council, and constitute the Abyei Police Service, to enable it to take over policing functions throughout the Abyei Area, including the protection of oil infrastructure, in accordance with their commitments in the 20 June 2011 Agreement;

4. *Urges* Sudan and South Sudan to make regular use of the Abyei Joint Oversight Committee to ensure steady progress on the implementation of the 20 June 2011 Agreement, including the implementation of the AJOC decisions;

5. *Reiterates* its decisions in resolution 2046 that Sudan and South Sudan shall unconditionally withdraw all of their armed forces to their side of the border in accordance with previously adopted Agreements, and activate the necessary border security mechanisms, namely the Joint Border Verification and Monitoring Mechanism and the Safe Demilitarized Border Zone (SDBZ), in accordance with the administrative and security map presented to the Parties by the AUHIP in November 2011 as modified by the two Parties' agreements signed 27 September in Addis

Ababa, it being understood that this map in no way prejudices ongoing negotiations on the disputed areas and demarcation of the border, and to activate the ad hoc Committee, under the Joint Political and Security Mechanism;

6. *Urges* the parties urgently to activate the JBVMM, establish the SDBZ and finalize a timeline for the redeployment of all armed forces to their side of the border, and calls on both parties to reconvene at the earliest opportunity and to reach agreement without further delay;

7. *Welcomes* the Secretary-General's efforts to assist the parties in the establishment of the temporary JBVMM headquarters in Asosa, Ethiopia and *welcomes* the deployment of national and international monitors to Asosa for participation in the JBVMM and UNISFA's readiness to support the full deployment of the JBVMM;

8. *Expresses* its intention to review as appropriate the mandate of UNISFA for possible reconfiguration of the mission in light of the compliance by Sudan and South Sudan with the decisions set forth in resolution 2046 and their commitments as set forth in the Agreements of 20 June, 29 June, 30 July 2011, and 27 September 2012, including the redeployment of all forces from the Safe Demilitarized Border Zone, achieving full operational capability for the Joint Border Verification and Monitoring Mechanism, and completing the full demilitarization of the Abyei Area;

9. *Calls on* all Member States, in particular Sudan and South Sudan, to ensure the free, unhindered and expeditious movement to and from Abyei and throughout the Safe Demilitarized Border Zone of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft, and spare parts, which are for the exclusive and official use of UNISFA;

10. *Renews* its call on Sudan and South Sudan to provide full support to the United Nations, including by promptly issuing visas to military, police and civilian United Nations personnel, including humanitarian personnel, without prejudice to their nationality, facilitating basing arrangements and flight clearances, and providing logistical support, and *welcomes* in this regard the signing of the Status of Forces Agreement by Sudan on 1 October 2012, and *taking note* that the revised proposal was presented to South Sudan on 5 October 2012, *anticipates* South Sudan's taking similar action in response;

11. *Recognizes* the importance of the difficult living conditions affecting UNISFA peacekeeping personnel, *notes* the action being taken to address this situation, and *urges* the Secretary-General to continue to take the measures available to him to remediate this situation and better enable UNISFA to implement its mandate;

12. *Demands* that the Government of Sudan and the Government of South Sudan facilitate the deployment of the United Nations Mine Action Service to ensure JBVMM freedom of movement as well as the identification and clearance of mines in the Abyei Area and SDBZ;

13. *Demands* that all parties involved provide humanitarian personnel with full, safe and unhindered access to civilians in need of assistance and all necessary facilities for their operations, in accordance with international law, including applicable international humanitarian law, and guiding principles of humanitarian assistance;

14. *Requests* the Secretary-General to ensure that effective human rights monitoring is carried out, and the results included in his reports to the Council, and calls upon the Government of Sudan and the Government of South Sudan to extend their full cooperation to the Secretary-General to this end, including by issuing visas to the concerned United Nations personnel;

15. *Requests* the Secretary-General to take the necessary measures to ensure full compliance of UNISFA with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed if cases of such conduct occur;

16. *Stresses* that improved cooperation between the Government of Sudan and Government of South Sudan is also critical for peace, security and stability and the future relations between them;

17. *Requests* the Secretary-General to continue to inform the Council of progress in implementing UNISFA's mandate in sixty-day intervals, and continue to bring to the Council's immediate attention any serious violations of the above-referenced agreements;

18. *Notes* the Secretary-General's efforts to ensure close cooperation among United Nations missions in the region, including UNISFA, UNMISS, and UNAMID, as well as his Special Envoy for Sudan and South Sudan, and requests him to continue this practice;

19. *Decides* to remain actively seized of this matter.

United Nations A/67/574–S/2012/845

General Assembly
Security Council

Distr.: General
19 November 2012

Original: English

General Assembly
Sixty-seventh session
Agenda item 125
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-seventh year

Identical letters dated 14 November 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 29 October 2012 from Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia.

In his letter, Judge Meron requests the extension of the term of office of 13 permanent judges of the Trial and Appeals Chambers and 8 ad litem judges of the Trial Chamber of the Tribunal until the dates set out therein or until the completion of the cases to which they are or will be assigned, if sooner.

I recall that, pursuant to Security Council resolution 1931 (2010) and General Assembly decision 64/416 C, the current term of office of the judges of the Appeals Chamber is set to expire on 31 December 2012. Similarly, according to Security Council resolution 1993 (2011) and General Assembly decision 65/413 B, the term of office of the judges of the Trial Chamber expires on 31 December 2012. However, it is evident from the updated trial and appeals schedules that the cases to which these judges are or will be assigned will not be completed by the end of this year. Therefore, it is necessary to extend the term of office of the judges beyond 31 December 2012.

It falls to the General Assembly and the Security Council to consider and decide on this request. Accordingly, I should be grateful if you would bring the letter from Judge Meron to the attention of the members of the General Assembly and of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 29 October 2012 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I have the honour of referring to Security Council resolution 1931 (2010) of 29 June 2010, in which the Security Council extended the terms of office of the judges of the Appeals Chamber until 31 December 2012 or until the completion of the cases to which they are assigned or until the completion of their term as members of the Appeals Chamber, if sooner. I also have the honour of referring to Security Council resolution 1993 (2011) of 29 June 2011, in which the Security Council (1) extended the terms of office of the permanent judges of the Trial Chambers until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner; and (2) extended the terms of office of the ad litem judges of the Trial Chambers until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner.

By this present letter, I wish to submit updated trial and appeal schedules[a] and to bring to your attention the necessity of extending the terms of office of the Tribunal's permanent judges and of certain ad litem judges.

By reference to the attached trial and appeal schedules, the following extensions are sought:

Permanent judges

An extension until 31 December 2014 or until the completion of the trials to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Flügge (Germany)
Judge Orie (Netherlands)
Judge Kwon (Republic of Korea)
Judge Moloto (South Africa)
Judge Hall (Bahamas)
Judge Morrison (United Kingdom of Great Britain and Northern Ireland)
Judge Delvoie (Belgium)

An extension until 31 December 2014 or until the completion of the trials and/or appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Meron (United States of America)
Judge Agius (Malta)
Judge Robinson (Jamaica)
Judge Pocar (Italy)
Judge Liu (China)
Judge Antonetti (France)

[a] The attached trial and appeal schedules were updated in October 2012 to reflect the current forecasts with respect to the completion of the Tribunal's work.

Ad litem judges

An extension until 31 December 2013 or until the completion of the trial to which he is currently assigned, if sooner, is sought for the following ad litem judge:

Judge Harhoff (Denmark)

An extension until 1 June 2013 or until the completion of the trial to which they are currently assigned, if sooner, is sought for the following ad litem judges:

Judge Prandler (Hungary)
Judge Trechsel (Switzerland)
Judge Picard (France)
Judge Gwaunza (Zimbabwe)

An extension until 31 December 2014 or until the completion of the trials to which they are currently assigned, if sooner, is sought for the following ad litem judges:

Judge Mindua (Democratic Republic of the Congo)
Judge Lattanzi (Italy)
Judge Baird (Trinidad and Tobago)

I would be grateful if you would bring this letter and its attachments to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Theodor **Meron**
President

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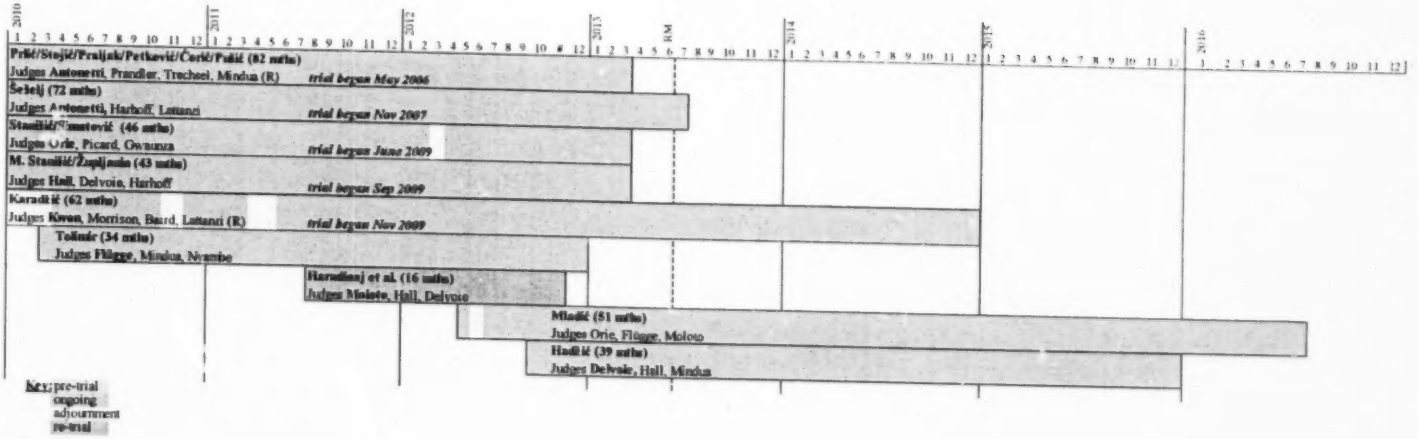
Enclosure I

Trial schedule of the International Tribunal for the Former Yugoslavia

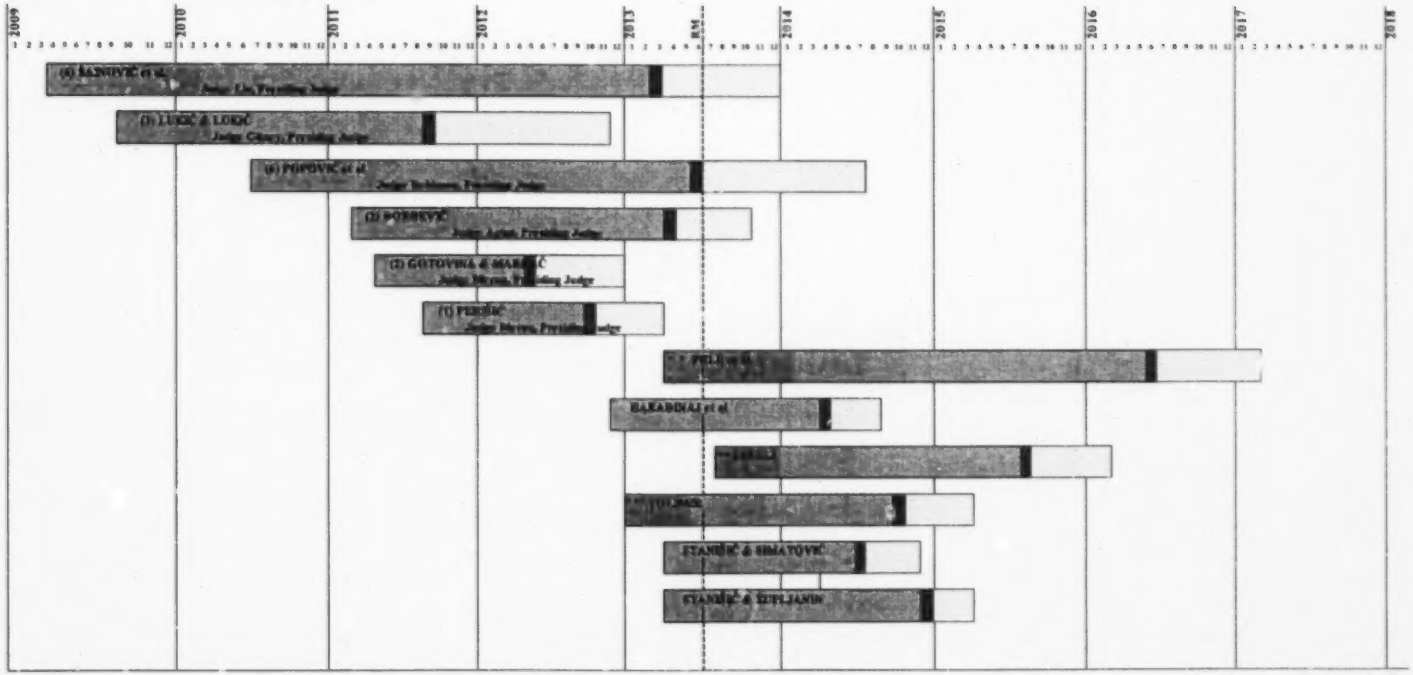
(as at 2 October 2012)



Enclosure II

Appeal schedule of the International Tribunal for the Former Yugoslavia

(as at 2 October 2012)



Contempt proceedings on appeal:

1. IT-03-67-R77.3-A Vojislav Šešelj, notice of appeal filed on 13 Nov 2011

2. IT-98-32/1-R77.3-A Petkovic, notice of appeal filed on 13 Mar 2012, Jelena Rasic, notice of appeal filed on 19 Mar 2012

3. IT-03-67-R77.4-A Vojislav Šešelj, notice of appeal filed on 19 July 2012

Key:

- Briefing
- Preparation for Hearing
- Hearing
- Judgement Drafting
- Translation

(including time for filing Notice of Appeal)

Extension due to TC Judgement translation (only for the self-represented accused who do not speak English and for French benches)

* *Prlić* TC Judgement into English 10 months - solutions being implemented to reduce the total post-judgement translation period to a minimum

** *Jeftić* TC Judgement into BCS and English 5 months

*** *Tolimir* TC Judgement translation into BCS 5 months

In brackets: number of appellants